

Appl. No. : 10/689,487
Filed : October 20, 2003

AMENDMENTS TO THE CLAIMS

1.-17. (Canceled)

18. **(Currently amended)** A system for performing a fixation procedure at a spinal location within a patient, comprising:

at least two fasteners adapted to be fixed to two adjacent vertebrae; and

an elongate body having a proximal end and a distal end and defining a length between the proximal and distal ends such that the proximal end can be positioned outside the patient and the distal end can be positioned inside the patient adjacent the spinal location, the elongate body including a passage extending between the proximal and distal ends sized to permit passage of the at least two fasteners therethrough;

wherein the elongate body is actuatable between a first configuration sized for insertion into the patient and a second configuration wherein the cross-sectional area of said passage at a first location is greater than the cross-sectional area of said passage at a second location, wherein the first location is distal to the second location; ~~and~~.

19. (Previously presented) The system of Claim 18, wherein the first location is at the distal end of the elongate body.

20. (Previously presented) The system of Claim 18, wherein a distal portion of the elongate body is expandable.

21. (Previously presented) The system of Claim 18, wherein the elongate body comprises a first tubular portion and a second expandable portion.

22. (Previously presented) The system of Claim 18, wherein the at least two fasteners are threaded.

23. (Previously presented) The system of Claim 18, wherein the at least two fasteners comprise pedicle screws.

24. (Previously presented) The system of Claim 18, further comprising a fixation element sized to pass through the passage of the elongate body and configured to engage the at least two fasteners.

25. (Previously presented) The system of Claim 24, wherein the fixation element comprises a rod.

26. (Previously presented) The system of Claim 18, further comprising an endoscope adapted to be held relative to the elongate body.

27. (Previously presented) A system for performing a fixation procedure at or near the spine of a patient, said system comprising:

an access device adapted to define a passage from a location outside of the patient to a location at or near the spine of the patient, the access device being at least partially actuatable between a first configuration and a second configuration, wherein the passage of the access device in the second configuration has a cross-sectional area at a first location that is greater than the cross-sectional area of said passage at a second location, wherein the first location is distal to the second location; and

a vertebral fixation assembly configured to fix two adjacent vertebrae, the vertebral fixation assembly adapted to be delivered through the passage of the access device.

28. (Previously presented) The system of Claim 27, wherein the vertebral fixation assembly comprises a plurality of vertebral screws.

29. (Previously presented) The system of Claim 28, wherein the vertebral fixation assembly further comprises a fastener adapted to engage each of the vertebral screws.

30. (Previously presented) The system of Claim 29, wherein the fastener is a rod.

31. (Previously presented) The system of Claim 27, further comprising a viewing device adapted to be held relative to the access device.

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32. (Previously presented) The system of Claim 27, wherein the access device includes a distal portion that is expandable.

33. **(Currently amended)** A system for performing a fixation procedure at a spinal location within a patient, said device comprising:

an access device having a proximal end and a distal end and a length defined between the proximal and distal ends such that the proximal end can be positioned outside the patient and the distal end can be positioned inside the patient adjacent the spinal location, wherein the access device includes a passage extending there through, the access device being expandable from a first configuration to a second configuration, wherein the passage of the access device in the second configuration has a cross-sectional area at the distal end of the device that is greater than a cross-sectional area at the proximal end of the device, said passage being sized for delivery of instruments to perform the procedure at the spinal location; and

at least two threaded fasteners sized for delivery through said passage at least when the access device is in its second configuration, the fasteners being configured to be fixed to adjacent vertebrae.[[.]]

34. (Previously presented) The system of Claim 33, wherein the shape of the access device when expanded is at least partially conical.

35. (Previously presented) The system of Claim 33, wherein the access device comprises a first tubular portion and a second expandable portion.

36. (Previously presented) The system of Claim 33, wherein the at least two threaded fasteners comprise pedicle screws.

37. (Previously presented) The system of Claim 33, further comprising a fixation element sized for delivery through the passage of the access device.

38. (Previously presented) The system of Claim 37, wherein the fixation element comprises a rod adapted to engage said at least two threaded fasteners.

39. (Previously presented) The system of Claim 37, further comprising a locking member adapted to hold the fixation element relative to the threaded fasteners.

40. (Previously presented) The system of Claim 33, wherein the threaded fasteners include a convex engagement surface at a proximal end thereof.

41. (Previously presented) The system of Claim 40, further comprising a washer adapted to engage the convex engagement surface of the threaded fasteners.

42. **(New)** A system for performing a fixation procedure at a spinal location within a patient, comprising:

at least two fasteners adapted to be fixed to two adjacent vertebrae; and

an elongate body having a proximal end and a distal end and defining a length therebetween such that the proximal end can be positioned outside the patient and the distal end can be positioned inside the patient adjacent the spinal location, the elongate body defining an access path extending between the proximal and distal ends sized to permit insertion of the at least two fasteners therethrough to the spinal location;

wherein the elongate body is actuatable between a first configuration sized for insertion into the patient and a second configuration, a transverse dimension of said access path at a first location being greater than the transverse dimension of said access path at a second location, wherein the first location is distal to the second location.

43. **(New)** The system of Claim 42, wherein the elongate body defines an access path having a circular cross-section at least in its reduced insertion configuration.

44. **(New)** A system for performing a fixation procedure at a spinal location within a patient, said device comprising:

an access device having a proximal end and a distal end and a length defined therebetween such that the proximal end can be positioned outside the patient and the distal end can be positioned inside the patient adjacent the spinal

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location, the access device defining an access path through which instruments are delivered to perform a procedure at the spinal location, the access device being expandable from a first configuration to a second configuration, wherein the access path of the access device in the second configuration has a transverse dimension at the distal end of the device that is greater than a transverse dimension at the proximal end of the device; and

at least two threaded fasteners sized for delivery through said access path at least when the access device is in its second configuration, the fasteners being configured to be fixed to adjacent vertebrae.

45. (New) The system of Claim 44, wherein the access path comprises a substantially enclosed passage at least in its first reduced configuration.

46. (New) The system of Claim 18, wherein the elongate body defines a substantially enclosed passage at least in its reduced configuration.

47. (New) The system of Claim 27, wherein the access device defines a circular cross-section at least in its reduced configuration.

48. (New) The system of Claim 33, wherein the access device defines a circular cross-section at least in its reduced configuration.